

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

1900 SAN JACINTO CENTER
98 SAN JACINTO BOULEVARD
AUSTIN, TEXAS 78701-4238
(512) 469-6100
FAX (512) 469-6180
www.tklaw.com

AUSTIN
DALLAS
FORT WORTH
HOUSTON
NEW YORK

ALGIERS
MEXICO CITY
MONTERREY
PARIS
RIO DE JANEIRO

September 23, 2005

VIA CERTIFIED MAIL, RRR, FACSIMILE AND FEDERAL EXPRESS

Ms. Barbara A. Nann, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
Superfund Division (6RC-S)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Mr. M. Gary Miller, Remedial Project Manager
U.S. Environmental Protection Agency, Region 6
Superfund Division (6SF-AP)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RECEIVED
2005 SEP 26 PM 5:25
AR/OK/IX BRANCH

RE: Modified Unilateral Administrative Order for Remedial
Investigation/Feasibility Study for the Gulfco Marine Maintenance, Inc. Site
(the "Site") in Freeport, Texas, CERCLA Docket No. 06-05-05--**Request for
Extension**

Dear Ms. Nann and Mr. Miller:

Pursuant to Paragraphs 17, 25, 27.a and 27.b of the Statement of Work ("SOW") attached to the above referenced Modified Unilateral Administrative Order ("UAO"), entered by the U.S. Environmental Protection Agency, Region 6 ("EPA"), effective July 29, 2005, Respondents are required to submit drafts of an RI/FS Work Plan and RI/FS Sampling and Analysis Plan ("SAP") including an RI/FS Field Sampling Plan and RI/FS Quality Assurance Project Plan (collectively the "RI/FS Documents") by September 27, 2005. I am writing on behalf of my client, The Dow Chemical Company, and on behalf of Chromalloy American Corporation and LDL Coastal Limited, L.P. to request a two-week extension, until October 11, 2005, to submit the RI/FS Documents. Mr. Eric Pastor discussed this extension request with Mr. Miller in a telephone conference earlier today, and Mr. Miller verbally approved the request. This letter is intended to formally document the request, further explain the reasons for the request and provide a specific time frame for the requested extension.

The reasons the extension is needed are as follows:



September 23, 2005

Page 2

- Two key members of our review team, including one of our primary technical reviewers, have been forced to close their offices and/or evacuate from the Houston area in response to the approaching Hurricane Rita. Thus, review time was necessarily and unavoidably lost.
- Hurricane Rita may impact conditions at the site. After the hurricane and as soon as it is safe and reasonably practicable, group technical representatives will visit the site to evaluate the conditions and address any immediate concerns. This visit will allow our technical representative to assess whether any aspect of the RI/FS Documents will need to be revised to address changed site conditions.

Due to the unique circumstances effectuated by the Hurricane, we will perform the site inspection without providing the 14-days notice required under Paragraph 55 of the UAO or the 7-days requirement to provide insurance certificates under Paragraph 84. We believe, however, that Paragraph 57 of the UAO would probably apply to excuse these requirements. Pastor, Behling & Wheeler, LLC's, our Project Coordinator's, insurance certificates are attached in a best effort attempt to satisfy UAO Paragraph 84.

While we believe that a two-week extension will be adequate to visit the site and revise the RI/FS Documents, we respectfully reserve the right to seek a further extension to properly review and revise the RI/FS Documents should circumstances warrant.

We also look forward to receiving EPA's comments on the Draft Screening Level Ecological Risk Assessment.

Thank you for your consideration of this request. We look forward to your reply and guidance.

Sincerely yours,


Elizabeth A. Webb

cc: via Electronic Mail

Mr. Brent Murray - Sequa Corporation
Mr. Scott Magelssen - The Dow Chemical Company
Mr. Allen Daniels - LDL Coastal Limited, LP
Mr. F. William Mahley - Strasburger & Price, LLP
Mr. James C. Morris III - Thompson & Knight, LLP
Mr. Eric Pastor- Pastor, Behling & Wheeler, LLC

DATE (MM/DD/YYYY)
03/21/05

INSURER E:

AUTHORIZED REPRESENTATIVE

ACORD CERTIFICATE OF LIABILITY INSURANCE		OP ID AE EASTO-1	DATE (MM/DD/YYYY) 03/21/05
PRODUCER Nieman Hanks Puryear Division of Frost Insurance Ag 401 Congress Ave. Ste 1400 Austin TX 78701 Phone: 512-473-4520 Fax: 512-473-4555	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
INSURED Pastor, Behling & Wheeler LLC Attn: Patrick Behling 2000 S. Mays #300 Round Rock TX 78664	INSURERS AFFORDING COVERAGE INSURER A: Allied Insurance Co INSURER B: Hartford Casualty Insurance INSURER C: Steadfast Insurance Co INSURER D: INSURER E:	NAIC # 	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.							
INSR	ADD'L LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	7201792322	03/18/05	03/18/06	EACH OCCURRENCE	\$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ Included					
	MED EXP (Any one person)	\$ 10,000					
	PERSONAL & ADV INJURY	\$ 1,000,000					
		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	7201792322	03/18/05	03/18/06	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
BODILY INJURY (Per person)	\$						
BODILY INJURY (Per accident)	\$						
PROPERTY DAMAGE (Per accident)	\$						
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	7201792322/UMBRELLA	03/18/05	03/18/06	AUTO ONLY - EA ACCIDENT	\$
OTHER THAN AUTO ONLY: EA ACC	\$						
AGG	\$						
EACH OCCURRENCE	\$ 4,000,000						
A		EXCESS/UMBRELLA LIABILITY <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000	65WECPH8063	03/18/05	03/18/06	AGGREGATE	\$ 4,000,000
		\$					
		\$					
		\$					
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	BINDER/STE610	03/18/05	03/18/06	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
	E.L. EACH ACCIDENT	\$ 1,000,000					
	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000					
	E.L. DISEASE - POLICY LIMIT	\$ 1,000,000					
C		Professional	BINDER/STE610	03/18/05	03/18/06	Liability	\$5,000,000
	Retention	\$5,000					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Certificate Holder, its employees, officer, directors, agents, partners, successors and assigns & United States Environmental Protection Agency are additional insureds, for general liability, auto liability & umbrella liability, per written contract.

CERTIFICATE HOLDER

CHROMAL Chromalloy American Corp. c/o Segua Corp. Attn: John Dowling 200 Park Avenue, 44th Floor New York NY 10166
--

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Andre Juncos